

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MIGUEL MAGADAN,

11 Petitioner,

12 v.

13 ICE FIELD OFFICE DIRECTOR,

14 Respondent.

CASE NO. C13-1020-JCC

ORDER

15 This matter comes before the Court on the Report and Recommendation of the Honorable
16 James P. Donohue, (Dkt. No. 10), as well as a Notice of Release filed by Respondent. (Dkt. No.
17 12). No objection was filed to Judge Donohue's Report and Recommendation. Having
18 thoroughly considered the Report and Recommendation, the Notice of Release, and the record as
19 a whole, the Court finds oral argument unnecessary and hereby DISMISSES the case for the
20 reasons explained herein.

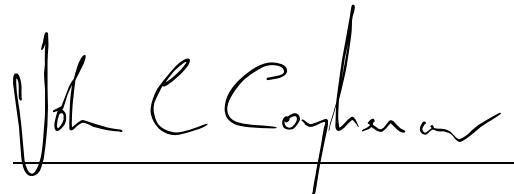
21 Petitioner, formerly detained by Immigration and Customs Enforcement ("ICE") pending
22 the completion of removal proceedings, filed a habeas petition under 28 U.S.C. § 2241, asking
23 that Respondent release him either on supervised release, or on bond. (Dkt. No. 3 at 2).
24 Respondent moved to dismiss, and the Honorable James P. Donohue recommended that
25 Respondent's motion be granted and the petition dismissed. (Dkt. No. 10 at 1). Subsequently,
26 Respondent filed a Notice with this Court, explaining that Petitioner has been released from

1 immigration custody upon a posting of bond. (Dkt. No. 12 at 1). Accordingly, Respondent asks
2 that the Petition be dismissed, as Petitioner's claim has been rendered moot by his release. (*Id.*).
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4 While habeas petitions may, at times, go forward even after a Petitioner has been
5 released, *see Jones v. Cunningham*, 371 U.S. 236 (1963), Petitioner here has been granted
6 precisely the relief he requested: to be released on bond. (*See* Dkt. No. 1 at 2). Thus, his claim is
7 moot, and the Petition must be dismissed. *See Biodiversity Legal Foundation v. Badgley*, 309
8 F.3d 1166, 1173 (9th Cir. 2002) ("An actual controversy must exist at all stages of the
litigation.").

9 For the forgoing reasons, the Petition for a writ of habeas corpus is DISMISSED with
10 prejudice. The Clerk is respectfully directed to CLOSE this case send a copy of this Order to the
11 parties, and to Judge Donohue.

12 DATED this 12th day of October 2013.
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John C. Coughenour
UNITED STATES DISTRICT JUDGE